

REMARKS

This Reply is in response to the Office Action mailed on October 2, 2008 in which claims number 1-12, 20-23, 29, 30 and 42-45 were allowed; in which claims a 14, 15, 19, 25, 26, 37 and 52-54 were objected to and in which claims 13, 16-18, 24, 27, 28, 31-36, 38-40, 46-51, 55 and 56 were rejected. With this response, claims 24-26, 31, 46 and 51-52 are amended. Claims 1-56 are presented for reconsideration and allowance.

I. Claim Status Clarification

Applicants thank Examiner Uhlenhake for the reopening of prosecution following the previous filed appeal and the newly indicated allowability of claims 20-22 and 42-45. Applicants further wish to thank the Examiner for the further new indicated allowability of claims 25, 26 and 52-54 but for being dependent upon rejected base claims.

Applicants wish to confirm the status of claims 19 and 30. Page 14 of the Office Action rejects claim 30. However, claim 30 depends from claim 1 which was allowed. Therefore, the "rejection" of claim 30 appears to be in error.

The Office Action Summary indicates that claim 19 is both rejected and objected to. Although the Office Action provides no basis for the rejection of claim 19, page 20 of the Office Action once again indicates the allowability of claim 19 while page 21 provides the basis for the allowability of claim 19. Therefore, Applicants presume that the Office Action Summary indicating a rejection of claim 19 is in error.

Although Applicants have the right to reinstate the previous filed appeal at any time (even after this response) using the previously paid fees but for fee increases, Applicants hope that the following claim amendments and the following remarks will place the remaining claims in condition for allowance.

II. Rejection of claims 24 and 36 under 35 USC 112, second paragraph

Page 2 of the Officer packing rejected claim 24 asserting that "said second servicing mechanism" lacks antecedent basis. Claim 24 is amended to provide antecedent basis for the noted limitation.

The Office Action further rejected claim 46 as being indefinite. The Office Action inquired, "how can it move from a non-translating position when my definition non-translating does not allow movement?"

Applicants respectfully traverse this rejection. Claim 46 recites a "means FOR translating a means for servicing". (Emphasis added) The claim does not recite "means for being translated". Claim 46 is clear in that when the means for translating is in the translating position, it is positioned to translate the means for servicing. When the mean for translating is in the non-translating position, it is not positioned for translating the means for servicing. By way of analogy, a claim reciting a means for driving (a motor) would not be indefinite simply because the claim indicates that the motor may be actuated between an on and an off state despite the fact that motor cannot drive anything when it is in an off state. Accordingly, the rejection of claim 46 should be withdrawn.

III. Rejection of Claims 13 under 35 USC 102(b) Based on Based on Hirano

Page 3 of the Office Action rejected claims under 35 USC 102(b) as being anticipated by Hirano U. S. Patent 5,907,334. For the reasons which follow, Applicants request the rejection of such claims be withdrawn.

Claim 13 recites a printer including first and second sleds, the first sled including a first engagement structure and first and second retaining walls position on opposite sides of the first engagement structure and the second sled including a second engagement structure positioned adjacent the second retaining wall. The printer further comprises a servicing station drive structure movable between a disengaged position, a first engaged position and a second engaged

position. When the drive structure is in the first engaged position the drive structure engages the first engagement structure. When the drive structure is in the second engaged position, the drive structure engages the second engagement structure. Lastly, the printer include a biasing member that biases the servicing station drive structure to move it from the first engaged position to the second engaged position. An example of this operation is shown in Figure 5.

Hirano fails to disclose (1) a servicing station drive structure which moves between a disengaged position, a first engaged position in engagement with a first engagement structure of a first sled and a second engaged position in engagement with a second engagement structure of a second sled or (2) a biasing member that biases the servicing station drive structure to move from the first engaged position to the second engaged position. In contrast, Hirano merely discloses print head carriers that connect to caps 37 and 34, respectively, and move in unison with such caps until cams 37a and 34a are brought into contact with pins 40 and 39, respectively, to force such caps into engagement with the print heads carried by carriers 10, 19. This is best shown in Figures 3A-3C and Figure 6 of Hirano.

In rejecting claim 13, the Examiner fails to address the ACTUAL claim limitations. First, the Examiner seems to have overlooked the fact that claim 13 recites "a servicing station DRIVE structure." Because the Examiner has failed to even specifically identify what "structure" he considers to be the recited "servicing station drive structure," Appellants will address the various possibilities from the Examiner's ambiguous referral to column 5, line 47-67 and Column 6, lines 1-11 of Hirano. As noted above, the only **driving** structure disclosed by Hirano is carriers 10, 19 themselves. These are the structures that drive or

move cams 34a and 37a to move caps 34, 37, respectively. However, the Examiner has already characterized carriers 10, 19 as the first and second sleds.

Second, the Examiner has also overlooked that claim 13 further requires that this DRIVE structure move between a first engaged position engaging a first engagement structure and a second engage position engaging a second engagement structure. Neither carrier 10 nor carrier 19, individually, move between (A) a first engaged position engaging a first engagement structure and (B) a second engaged position engaging a second engagement structure, since the Examiner has characterized the print heads carried by the carriers as the engagement structures. Clearly, carrier 10 does not ever move to position where it engages the print heads of carrier 19 (characterized by the Examiner as a second engagement structure). Likewise, carrier 19 does not ever move to position where it engages the print heads of carrier 10 (characterized by the Examiner as the first engagement structure).

Alternatively, if it is the Examiner's position that one of cams 34a and 37a associated with caps 34 and 37 constitutes the recited "servicing station drive structure," Appellants' note that nowhere does Hirano ever disclose that cam 37a ever engages carrier 19 or that cam 34a ever engages carrier 10. Thus, cam 34a does not engage each of two engagement structures as recited in the claim 13. Likewise, cam 37a does not engage each of two engagement structures as recited in claim 13. On top of this, the Examiner has already attempted to characterize such cams as the biasing member.

Alternatively, yet again, if it is the Examiner's position that caps 34 and 37 constitute the "servicing station drive structure." Applicants note that caps 34 and 37 do no such

driving. Moreover, the claim recites a single structure, not a plurality of distinct structures. Cap 34, itself, does not engage both the color print head (characterized by the Examiner as the second engagement structure) and the black print head (characterized as the first engagement structure). Cap 38, itself, similarly fails to address such claim limitations.

Third, the Examiner has seemingly overlooked the fact that claim 13 requires that the biasing member biases the servicing station drive structure. In rejecting claim 13, the Examiner characterizes compression springs 35 and 38 of Hirano as the biasing member. However, springs 35 and 38 do not move any such servicing station drive structure. Springs 35 and 38 merely move caps 34 and 37. Caps 34 and 37 are clearly not servicing station DRIVE structures. In addition, claim 13 recites a biasing member (singular). How can to separate springs constitute a "member" (singular)?

Fourth, the Examiner appears to be overlooking the fact that claim 13 further recites that the biasing member moves the servicing station drive structure from the first engaged position in which the servicing station drive structure engages the first engagement structure and a second engaged position in which the exact same servicing station drive structure engages the second engagement structure. As noted above, spring 35 merely moves cap 34. Cap 34 NEVER engages both the black print head and the color print heads (the Examiner characterized the black print head 11 as the first engagement structure and the color print heads 20, 21 and 22 as the second engagement structure).

Spring 38 merely moves cap 37. Cap 37 NEVER engages both the black print head and the color print heads (the Examiner characterized the black print head 11 as the first engagement structure and the color print heads 20, 21 and 22 as the second engagement structure). Thus, in

contrast to the Examiner's characterization of Hirano, Hirano fails to disclose a biasing member (a single member) that moves a servicing station drive structure (a single drive structure) into engagement with two distinct engagement structures. The Examiner has simply failed to establish a prima facie case of anticipation. Accordingly, the rejection of claim 13 should be withdrawn.

The Examiner's Response

In response to such previous points, pages 17-18 of the Office Action once again argues that two separate and independent elements of Hirano, cams 34a and 37a, constitute the claimed "servicing station drive structure." However, as noted above, this is improper claim construction. The claim requires a **single** servicing station drive structure (note that claim 13 doesn't say "drive structures", plural) that engages two separate engagement structures. As also noted above, cam 34a itself does NOT engage BOTH 34 and 37 (characterized by the Examiner as the two separate engagement structures). Likewise, cam 37a itself does NOT engage BOTH 34 and 37 (characterized by the Examiner as the two separate engagement structures). As a result, to reject claim 13, the Examiner tries to assert that two separate and distinct cams constitute a single servicing station drive structure. This distorts the plain meaning of the limitation "structure."

As with the limitation requiring a single servicing station drive structure, the Examiner also distorts the plain meaning of the limitation "a biasing member" in claim 13. Once again, claim 13 recites a single biasing member (note that it does **not** say by biasing members, plural) that biases a servicing station drive structure. Despite the plain meaning of such a limitation, the Examiner argues that two separate springs, 35 and 38, somehow constitute a "biasing member."

In support of his disregarding of the plain meaning of such claim limitations, the Examiner attempts to argue:

Comprising is open-ended which does not exclude multiple biasing members and the claim does not define the biasing member to include only one spring or biasing member.

(Office Action date October 2, 2008).

This assertion by the Examiner is so wrong on so many fronts. First, the term "comprising" in claim 13 recites "a printer comprising." The open-ended nature applies to the printer, NOT the servicing station drive structure or the biasing member, both of which are explicitly recited as being singular in nature. The printer may have multiple servicing station drive structures or may have multiple biasing members; HOWEVER, this does not alter the fact that claim 13 requires that a single (one) servicing station drive structure (not structures) engages both of the engagement structures. This does not alter the fact that claim 13 requires a single, (one) biasing member (not members) biases the servicing station drive structure.

Second, the Examiner's statement itself makes little sense. The Examiner argues that "the claim does not define the biasing member to include only one ... biasing member." Clearly, the claim **does** define the biasing member as "a biasing member." Simply look at the claim. The claim does not recite "one or more biasing members". How can a "biasing member" be multiple biasing members?

On top of this, the Examiner tries to further argue that Applicants are arguing features that are not set forth in the claims. The Examiner argues that:

the features upon which applicant relies (i.e., the biasing member moves the servicing station drive structure from the first engaged position in which the servicing station drive structure engages the first engagement structure and a second engaged position in which the exact same servicing station drive structure engages the second engagement structure) are not recited in the rejected the claim(s).

(Office Action dated October 2, 2008, page 18).

This is not true. The last element of claim 13 recites a biasing member that biases the servicing station drive structure to move from the first engaged position to the second engaged position. The second element/clause of claim 13 defines what are the first engaged position and the second engaged position. In particular, the second element/clause of claim 13 recites that in the first engaged position, the drive structure engages the first engagement structure. The second

element of claim 13 further recites that in the second engaged position, the drive structure engages the second engagement structure. This is exactly what Applicants have argued and it is exactly what the Examiner mistakenly asserts is not set forth in the claims. Once again, Applicants respectfully request that the Examiner revisit claim 13.

IV. Rejection of claims 31-35, 38 and 39 under 35 USC 102(b) based upon Belon

Page 3 of the Office Action rejected claims 31-35, 38 and 39 under 35 USC 102(b) as being anticipated by Belon US Patent 6172691. Claims 31-35, 38 and 39, as amended, overcome the rejection.

Claim 31, as amended, recites a driveshaft carrying a pinion gear and a sled including a rack gear. The driveshaft is axially shiftable from a disengaged position in which the pinion gear is out of contact the rack gear and engaged position in which the pinion gear is in the meshing contact with the rack gear. Support for the amendment to claim 31 may be found at least Figures 3-5 which illustrate the pinion gear 54 a being shifted in and out of engagement with either of rack gears 42, 43.

Belon fails to disclose a sled including a rack gear and a driveshaft carrying a pinion gear, wherein the driveshaft shifts to move the pinion gear in and out of contact with the rack gear. For example, rack gear 198a of Belon is always in meshing contact with gear 192. Accordingly, claim 31, as amended, overcomes the rejection. Claims 32-35, 38 and 39 depend from claim 31 and overcome the rejection for at least the same reasons.

V. Rejection of claims 24, 27-28 and 51 under 35 USC 102(b) based upon Rotering

Page 5 of the Office Action rejected claims 24, 27-28 and 51 under 35 USC 102(b) as being anticipated by Rotering US Patent 5914734. Claims 24, 27-28 and 51, as amended, overcome the rejection.

A. Claim 24

Claim 24, as amended, recites:

translating a translation device into engagement and contact with a retaining region of a first servicing mechanism;

powering said translation device such that said first servicing mechanism is moved with respect to said translation device to translate the retaining region such that said translation device is positioned out of said retaining region;

translating said translation device into engagement and contact with a second retaining region of second servicing mechanism; and

powering said translation device such that said second servicing mechanism is moved with respect to said translation device.

Rotering fails to disclose translating a translation device into engagement and contact with two different retaining regions of two servicing mechanisms. In rejecting claim 24, the Office Action attempted to characterize drive gear 169 of Figure 17 as the translation device. However, drive gear 169 does not translate into engagement with two different retaining regions of two servicing mechanisms. Accordingly, claim 24, as amended, overcomes the rejection. Claims 27 and 28 depend from claim 24 and overcome the rejection for at least the same reasons.

B. Claim 51

Claim 51, as amended, recites translating a translation device into engagement with a first region of a servicing mechanism and powering a translation device such that the servicing mechanism is moved with respect to the translation device.

Rotering fails to disclose translating a translation device. Once again, drive gear 169 is not translated into engagement with the servicing mechanism. Accordingly, claim 51, as amended, overcomes the rejection.

VI. Rejection of Claims 46-49 under 35 USC 102(b) Based on Griesemer

Page 7 of the Office Action rejected claims 46-49 under 35 USC 102(e) as being anticipated by Griesemer et al. US Publication 2004/0252154. Claims 46-49, as amended, overcome the rejection.

Claim 46, as amended, recites a printing mechanism which includes means for translating a means for servicing a printhead. The means for translating is biased to move from a translating position to a non-translating position out of contact with the means for servicing. The means for servicing includes means for retaining the means for translating in engagement and contact with the means for servicing in a predetermined zone of engagement of the means for retaining.

Griesemer fails to disclose means for translating and means for servicing, wherein the means for translating is biased to move from a translating position to a non-translating positioned out of contact with the means for servicing .

In rejecting claim 46, the Office Action now characterizes (different from previous rejections) guide member 88 as the "means for translating" and sled 70 as the "means for servicing." However, guide member 88 of Griesemer is never biased to move from a translating position to a non-translating positioned out of contact with sled 70 (characterized as the means for servicing). This is quite impossible as guide member 88 is fixed to and extends from sled 70. Accordingly, claim 46, as amended, overcomes the rejection. Claims 47-49 depend from claim 46 and overcome the rejection for at least the same reasons.

VII. Rejection of claims 16-18 under 35 USC 103(a) based upon Hirano and Griesemer

Page 9 of the Office Action rejected claims 16-18 under 35 USC 103(a) as being unpatentable over Hirano US Patent 5907334 in view of Griesemer US Patent Publication 2004/0252154. Claims 16-18 depend from claim 13 and overcome the rejection for at least the same reasons.

VIII. Rejection of Claims 36, 40-41 and 55 under 35 USC 103(a) Based upon Belon and Griesemer

Page 12 of the Office Action rejected claims 36, 40-41 and 55 under 35 USC 103(a) as being unpatentable over Belon in view of Griesemer. Claims 36, 40-41 and 55 depends from claim 31 and overcomes rejection for the same reasons discussed above with respect to the rejection of claim 31 based upon Belon. Griesemer fails to satisfy the deficiencies of Belon.

IX. Rejection of Claim 56 under 35 USC 103(a) Based upon Belon and Kimura

Page 28 of the Office Action rejected claim 56 under 35 USC 103(a) as being unpatentable over Belon in view of Kimura. Claim 56 depends from claim 31 and overcomes rejection for the same reasons discussed above with respect to the rejection of claim 31 based upon Belon. Kimura fails to satisfy the deficiencies of Belon.

X. Rejection of Claim 50 under 35 USC 103(a) Based upon Griesemer, Taylor, Ota and Belon

Page 29 of the Office Action rejected claim 50 under 35 USC 103(a) as being unpatentable over Griesemer in view of Taylor et al. US Patent 6,328,412, Ota US Publication 2003/0169312 and Belon.. Claim 50 depends from claim 46 and overcomes rejection for the same reasons discussed above with respect to the rejection of claim 46 based upon Griesemer. Neither Taylor, Ota nor Belon, alone or in combination, satisfy the deficiencies of Belon.

XI. Conclusion

After amending the claims as set forth above, claims 1-56 are now pending in this application.

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 08-2025. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 08-2025. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 08-2025.

Respectfully submitted,

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